

Roland B. Durocher
HARTELIUS, DUROCHER & WINTER, P.C.
118 6th St. South
P.O. Box 1629
Great Falls, MT 59403-1629
(406) 727-4020
rdurocher@mtlawyers.net
Attorneys for Plaintiff

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FILED

BY _____ DEPUTY

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

Barbara L. Wagner, as PR for
the Estate of Valentine C. Wagner,
Plaintiff,

v.

Addus Healthcare (Idaho), Inc.
and DOES 1-10,
Defendants.

Cause No. **ADV-20-0174**

Gregory G. Pinski

COMPLAINT

COMES NOW the Plaintiff, and for her Complaint, alleges as follows:

1. Barbara L. Wagner was the wife of Valentine C. Wagner, deceased.
She has been appointed as the personal representative of the Estate of Valentine C. Wagner.
2. In the summer of 2019, and at all times pertinent, Defendant Addus Healthcare (Idaho), Inc. (Addus) provided one of its employees to go

to the home of Valentine C. Wagner ("Cliff") to provide him with assistance several times a week so that his family, in particular his wife, Barbara, could leave the home knowing Cliff could be watched and assisted. The reason assistance was needed was *because Cliff* had progressive aphasia, and was at risk of being harmed if he did not have someone watch him. In particular, to keep him inside his home and not fall or have other accidents.

3. During one such visit in August, 2019, the Addus employee failed to watch Cliff closely, and he wandered out of the home. His wife, Barbara, found him in a ditch near the home where he had fallen and suffered minor injuries.
4. Despite having been made aware that Cliff may wander and get hurt, an employee of Addus again failed to watch him, and he left his home unattended on or about September 3, 2019. Addus was negligent in its care of Cliff. That time, he fell off of a rock wall in the yard of the home, and was severely injured.
5. Cliff incurred both special and general damages as he suffered from his injuries. He then died of his injuries on September 30, 2019.
6. The fall, Cliff's injuries, his death, and all related damages, were due to the negligence of Addus through its employees.

7. Cliff's family and heirs have suffered loss and damages due to his wrongful death.
8. Plaintiff, as personal representative, brings all allowable claims for wrongful death and survivorship.
9. Does 1-10 are persons or entities not yet known to Plaintiff who are or may be legally responsible for Cliff's fall, injuries or death, or damages arising from the fall, injuries or death.

WHEREFORE PLAINTIFF PRAYS:

1. For an award of general and special damages related to all harm caused to Cliff or his family or heirs (survivorship as well as wrongful death);
2. For costs as allowed by law; and,
3. For all other relief the Court deems appropriate.

Dated this 25th day of March, 2020,



Roland B. Durocher

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IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF MONTANA, IN AND FOR THE COUNTY OF CASCADE

Barbara L. Wagner, as PR for the
Estate of Valentine C. Wagner,
Plaintiff,

v.

Addus Healthcare (Idaho), Inc.
and Does 1-10,

Defendants.

Cause No.

SUMMONS

ADV -20-0174

Gregory G. Pinski

To: ADDUS HEALTHCARE (IDAHO), INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you, you must serve the plaintiff an answer to the attached Complaint or a motion under Rule 12 of the Montana Rules of Civil Procedure. Do not include the day you were served in your calculation of time. The answer or motion must be served on the plaintiff or plaintiff's attorney, if plaintiff is represented by an attorney, whose name and address are listed above.

If you fail to respond, judgement by default will be entered against you for the relief demanded in the complaint.

You also must file your answer or motion with the court.

Dated this 20th day of March, 2020.



CLERK OF DISTRICT COURT

BY: Elizabeth Sweeney